

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC,**

Plaintiff,

VS.

Case No. 3:18-cv-000679

*Arising out of Case No. 3:18-cv-252,
Securities Exchange Commission v.
Arthur Lamar Adams and Madison Timber
Properties, LLC*

**Hon. Carlton W. Reeves, District Judge
Hon. F. Keith Ball, Magistrate Judge**

**MICHAEL D. BILLINGS and
MDB GROUP, LLC;
TERRY WAYNE KELLY, JR. and
KELLY MANAGEMENT, LLC;
and WILLIAM B. MCHENRY, JR. and
FIRST SOUTH INVESTMENTS, LLC,**

Defendants.

**MOTION OF WILLIAM B. MCHENRY, JR. AND
FIRST SOUTH INVESTMENT, LLC FOR ACCESS TO EXHIBITS
INTRODUCED AT ARTHUR LAMAR ADAMS' SENTENCING HEARING**

William B. McHenry, Jr. and First South Investments, LLC ("Bill McHenry") move for access to exhibits introduced at Arthur Lamar Adams ("Adams") October 29 and 30 Sentencing Hearing and in support submits the following:

1. On October 29 and 30, the Court held the sentencing hearing for Arthur Lamar Adams ("Adams"), in the case of *United States v. Arthur Lamar Adams*, Criminal Case 3:18-cr-00088-CWR-LRA-1, U.S. District Court for the Southern District of Mississippi.

2. At Adams' sentencing hearing on October 29, the United States introduced six exhibits marked G1 through G6. A two (2) paged excerpt from the hearing is attached as Exhibit A. At the hearings, the Assistant U.S. Attorney explained, "Government's Exhibit 1 ... is the redacted transcript interview of Arthur Lamar Adams from April 19, 2018." He described the

other exhibits in the excerpts appearing as Exhibit A. At the sentencing hearing, Defendant Adams' counsel also introduced six exhibits (D1 through D6). All of these exhibits are material to Bill McHenry's defense in this proceeding. The Clerk's Office has informed counsel that these exhibits are sealed.

3. The Receiver's Initial Disclosures list among "categories of documents in [Receiver's] possession, custody or control [that] may be used to support her claims" include the following: "7. Statements by Lamar Adams" and "8. Statements by any investor from whom Billings or McHenry was the recruiter." A copy of Receiver's Initial Disclosures is attached as Exhibit B.

4. On November 27, 2018, when counsel requested a copy of Adams' statements, Receiver indicated she only had a transcript of the Adams interview. Receiver said we could get a copy of the interview from the Clerk's office since it was introduced as an exhibit at Adams' sentencing hearing. At the same time, Receiver indicated statements of victims should be sought from Government.

5. As a consequent of the inability to get access to these statements generally described in Receiver's Initial Disclosures and those exhibits introduced at Adams' sentencing hearing, McHenry's evaluation of this evidence and information as well as ability to formulate a response to Receiver's Motion for Summary Judgment has been significantly impeded.

6. Bill McHenry and his counsel are mindful of confidentiality protocol and will withhold use in any filing of the name or identifying information such as address, phone number or social security number of any investor. At the same time, it is imperative Bill McHenry be given access to the Adams interview, the other exhibits introduced at Adams' sentencing and the additional statements referenced in Receiver's disclosures. These materials are essential to Bill McHenry formulating a response to Receiver's Motion for Summary Judgment.

7. Since this motion does not involve legal issues, Bill McHenry requests the provision for filing a memorandum of law be waived.

Bill McHenry respectfully requests the Court to advise the Clerk's office that it may provide copies of all exhibits from the Lamar Adams sentencing hearing being Government Exhibits G1 through G6 and Defendant Exhibits D-1 through D-6, to Frank W. Trapp and the Phelps Dunbar LLP law firm, counsel for Bill McHenry and First South Investments, LLC.

THIS the 7th day of December, 2018.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Frank W. Trapp

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ATTORNEY FOR WILLIAM B. MCHENRY
AND FIRST SOUTH INVESTMENTS, LLC

CERTIFICATE OF SERVICE

I certify that I have this day filed this documents with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

This the 7th day of December, 2018.

/s/ Frank W. Trapp
FRANK W. TRAPP